



Town Council Agenda Report

SUBJECT: Ordinance

TITLE OF AGENDA ITEM: An Ordinance of the Town of Davie, Florida, Amending the Code of Ordinances of the Town of Davie, Article III by adding "Planned Truck Stop (TS) District", Section 12-32.200 through 12-32.208 which provides for district intent, permitted, restricted, prohibited and accessory uses and development standards; amending Section 12-503 to provide definitions; providing for severability; and providing an effective date.

REPORT IN BRIEF: This Ordinance amends Chapter 12 (Land Development Code) of the Code of the Town of Davie by revising Section 12-32 (Permitted Uses) and Section 12-503 (Definitions) to add a Planned Truck Stop (TS) District. The Ordinance also includes an intent/purpose section, permitted uses, restricted uses, accessory and prohibited uses and development standards.

PREVIOUS ACTIONS: On November 3, 1999 Town Council deliberated on the Ordinance and directed Staff to modify several Sections in addition to changes contemplated and communicated by staff and bring back to Town Council when ready.

On November 10, 1999 Town Staff presented the attached Ordinance to the Planning and Zoning Board for their input to Town Council. Upon review and consideration, the Planning and Zoning Board recommended the following:

1. Consider making the Hotel, Motel and similar Lodging use permissible by a Special Permit.
2. Add a requirement that all parking be paved parking.
3. Consider a provision requiring a mandating of security services within the Truck Stop.
4. Recommend that cocktail Lounges and Night Clubs not be permitted in Hotels/Motels in addition to prohibition as free standing uses.

At the November 17, 1999 Town Council approved the Ordinance on First Reading and directed Staff to incorporate changes recommended by the Planning and Zoning Board as well as modifications discussed by Town Council. The motion to approve passed on a 4 - 1 vote.

CONCURRENCES: Staff recommends approval of this Ordinance

FISCAL IMPACT: N/A

RECOMMENDATION(S): Motion to approve this Ordinance

Attachment(s): Memo to Town Administrator and Ordinance

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 11-27-99

TO: Robert Middaugh, Town Administrator

FROM: Mark A. Kutney, AICP, Development Services Department

DATE: November 22, 1999

RE: Ordinance provided for a Proposed Planned Truck District

Pursuant to the Town Council Meeting of November 3, 1999, the attached Ordinance is placed on the December 1, 1999 Town Council Agenda for second reading. As with the Bed and Breakfast Ordinance, since this ordinance changes the actual list of permitted, conditional or prohibited uses within a zoning category, two Public Hearings are required.

In the case of this particular ordinance, time is of the essence. Currently, the Town has no zoning district or provisions for regulation of Truck Stops and associated uses. In an Annexation Agreement between the Town of Davie and Jolmy Enterprises, Inc. executed on June 19, 1996, paragraph three of said agreement states:

3. **Zoning and Permitted Uses.** Within thirty (30) days of the effective date of an ordinance passed to effectuate the annexation pursuant to this Annexation Agreement, Jolmy shall file the necessary application(s) to zone the Property to a M-3 and/or B-3 district as described in the Town of Davie Code of Ordinances. In the event that the existing zoning designations in the Town of Davie Code of Ordinances do not permit all of Jolmy's desired uses on the Property, the Town Council agrees to consider developing and adopting a new zoning designation to permit all such uses on the Property, which uses shall include a truck stop, gas station, convenience store, fast food restaurant, retail, truck service (major repair), warehouse (storage), office and hotel.

As indicated, timing of this Ordinance is critical as Jolmy needs to have vertical construction underway by February 2000 or grant funds associated and payable to the Town with the project could be jeopardized. Further, in addition to the text amendment being adopted, Jolmy must secure a rezoning of the property and obtain site plan approval as well as complete the aforementioned building condition requirement above.

Prior to the November 3, 1999 Town Council deliberation of this matter, Town Staff meet with Jolmy Representative to preview the Ordinance as well as with the Town Administrator's office and Town Attorney. Additionally, Town Council also provided direction to the Staff at the aforementioned meeting.

On November 10, 1999 Town Staff presented the attached Ordinance to the Planning and Zoning Board for their input to Town Council. Upon review and consideration, the Planning and Zoning Board recommended the following:

1. Consider making the Hotel, Motel and similar Lodging use permissible by a Special

Permit.

2. Add a requirement that all parking be paved parking.
3. Consider a provision requiring a mandating of security services within the Truck Stop.
4. Recommend that cocktail Lounges and Night Clubs not be permitted in Hotels/Motels in addition to prohibition as free standing uses.

On November 17, 1999, Town Staff presented a new draft to Town Council which included previous modifications and several additional recommendations in conjunction with the aforementioned Planning and Zoning Board recommendations. These changes are underlined and presented in **BOLD** print for ease of identification and include the following:

1. Minor revisions regarding trucks and automotive services to the intent/purpose and definition of Truck Stop respectively.
2. Added sales of Trucks and Vehicles as a permitted use subject to a five percent (5 %) limitation on the site area rezoned to the Truck Stop District.
3. Requires that Hotel, Motel and similar Lodging be permissible by a Special Permit and permit a Lounge as an accessory use if such Lounge is associated with a restaurant or kitchen in a Hotel or Motel.
4. Specified Beauty Salons and Laundries as accessory uses.
5. Added language which clarifies prohibitions related to sales, wholesale.
6. Within Section 12-32.208, Development Standards - Other Special Provisions, incorporated minor revisions to subsection (5) regarding local roadways and access to a Planned Truck Stop District.

Should you have any questions pertaining to the Ordinance or this correspondence, please advise.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III BY ADDING "PLANNED TRUCK STOP (TS) DISTRICT," SECTIONS 12-32.200 THROUGH 12-32.208 WHICH PROVIDES FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie Comprehensive Plan provides for an Industrial future land use plan designation; and

WHEREAS, the Town of Davie Code of Ordinances does not provide zoning regulations to implement the regulation of truck stops; and

WHEREAS, the Town Council desires to ensure that Truck Stops are planned, regulated and implemented in the Public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-32.200 of the Town Code is amended to read as follows:

Sec. 12-32.200 Intent/Purpose

The Planned Truck Stop (TS) District is intended to govern the location, intensity and method of development related to property proposed for use as a Truck Stop and other associated commercial vehicles, trucks and automotive services for the traveling public. This district is intended to be located along Interstate Roadways or the Florida Turnpike System. The establishment of these districts is necessary and in the public interest to promote and aid the travel, transport and tourist industries; to promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic through the Town; and to assure adequate space for parking, loading, overnight storage and service of commercial vehicles and automotive services for the traveling public. The TS District is consistent with areas designated as industrial on the Town of Davie Future Land Use Plan Map.

Sec. 12-32.201 Permitted Uses

- (1) Convenience Stores
- (2) Fast Food Restaurant
- (3) Office, Professional (including Medical Offices and Clinics)
- (4) Restaurant, Standard
- (5) Service Stations

(7) Truck Stop

(8) Warehouse (Storage)

(9) Sales of Trucks and Vehicles subject to a limitation of five percent (5%) of the area rezoned to TS.

Sec. 12-32.202 Restricted Uses

The following uses are permitted subject to the provisions indicated below:

(1) Communication Apparatus subject to applicable requirements of Section 12-34(G) within this Chapter and Article XV, Telecommunication Towers and Antennas.

(2) Hotel, Motel and similar lodging subject to special permit approval.

(3) Commercial and retail business uses

The uses indicated above may be permitted with the assignment of "Commercial Flexibility" subject to the requirement for a Broward County Compatibility determination pursuant to the adopted Town of Davie Comprehensive Plan and Broward County Land Use Plan.

Sec. 12-32.203 Accessory Uses

The permitted accessory uses and structures in the Planned Truck Stop (TS) District are as follows:

(1) Uses, Buildings and Structures which:

(a) Are of a nature customarily accessory and clearly incidental and subordinate to permitted principal uses, Buildings and Structures.

(b) Shall be located on the same property as the Planned Truck Stop.~~or on a contiguous parcel in the same ownership.~~

(c) Shall not involve uses or building structures not in keeping with the intent/purpose of the Planned Truck Stop District.

(2) Accessory uses include but not limited to those listed below:

(a) Certified Scales

(b) Truck Wash

(c) Video Games

(d) Newsstands

(e) Barber Shops and Beauty Salons

(f) Exercise, Health Facility and Laundry

- (g) Shower Facility
- (h) Wrecker Service
- (i) ~~Cocktail Lounge, Night Club associated with a Hotel, or Motel Lounge associated with a restaurant or kitchen in a Hotel or Motel.~~
- (j) Retail Sales

Sec. 12-32.204 Prohibited Uses

The following are the prohibited uses and structures in the Planned Truck Stop (TS) District:

- (1) Any permitted use, accessory use, restricted use or structure not specifically or by reasonable implication permitted herein.
- (2) Adult Facilities
- (3) Sales of Alcoholic Beverages for consumption off the premises. This prohibition does not include the sale of Beer and Wine accessory to a convenience store.
- (4) Sales, Wholesale, this prohibition does not include the sales of tires, batteries and vehicle parts but does include the bulk storage and sale of petroleum products.

Sec. 12-32.205 Limitations of Use

- (1) All land included for the purpose of development in the Planning Truck Stop (TS) District shall be owned or under the control of the petitioner for such zoning designation, whether that petitioner be an individual, partnership, corporation or a group of individuals, partnerships or corporations. The petitioner shall present firm evidence of unified control of the entire area within the proposed development and shall state agreement that, if the petitioner proceeds with the proposed development same will:
 - (a) Do so in accordance with the officially approved conceptual master plan of the Development and such other conditions or modifications as may be attached to the Development;
 - (b) Provide agreements, covenants, contracts, deed restrictions or sureties acceptable to the Town Council for completion of the undertaking in accordance with the adopted conceptual master plan as well as for the continuing operation and maintenance of such areas, functions and facilities as are not to be provided, operated or maintained at general public expense;
 - (c) Bind Development successors in title to any commitments made under items (a) and (b) above.
- (2) Rezoning to the Planned Truck Stop (TS) District shall require a Conceptual Master Plan depicting generalized Building locations, access, internal roadway

layout and on-site circulation system; the maximum square footage of Development ; perimeter landscaping and buffering and other unique design features pertinent to the site.

(3) All activities within the TS District shall take place within completely enclosed structures except as indicated below:

- (a) Recreation and Open space, including facilities appurtenant to Hotels, Motels and similar lodging.
- (b) Designated seating areas when utilized as an accessory use to a restaurant, pursuant to an approved site plan.
- (c) Upon Application for a Planned Truck Stop Rezoning , the Petitioner shall provide a list of activities that warrant an exception for the enclosure requirement. The Town will make a final determination as part of the application review.

Sec. 12-32.206 Development Standards - Yard and Bulk Requirements

(1) Locational Standards

- (a) No Planned Truck Stop (TS) District shall be located within five (5) miles of any other Planned Truck Stop District. For the purpose of this section, all measurements of distance shall be along a straight airline route from the nearest point on any TS property line to the nearest point on any other property line zoned TS.
- (b) No Planned Truck Stop (TS) District shall be located closer than twenty five hundred (2500) feet from property designated Residential on the Town of Davie Land Use Plan Map or land zoned Residential pursuant to the Town of Davie Land Development Code. For the purpose of this section, all measurements of distance shall be along a straight airline route from the nearest point on any TS property line to the nearest point on any property line zoned or designated Residential.

(2) Minimum Parcel Dimensions

- (a) The minimum parcel size for consideration of rezoning to the TS District is twenty (20) acres.
- (b) The minimum lot frontage for a parcel zoned TS shall be four hundred (400) feet.

(3) Minimum Required Yards

- (a) The perimeter setback for all yards adjacent to major roadways shall be at least one hundred (100) feet from the respective property line.
- ~~(b) Where a property line or lease line abuts another use including other parcels within a Planned Truck Stop, the minimum structure set back from such property line shall be as follows:~~

~~(e)~~(b) Transitional yard setback required where a property line or lease line abuts service stations, truck service (major repair) or warehouse (storage), every adjacent structure shall be set back one hundred (100) feet. This requirement would not apply to structures containing convenience stores or other uses if part of the service station use.

(4) Maximum Building Height

(a) For all permitted uses within a TS Development, seventy five (75) feet excepting hotels, motels and similar lodging which shall not exceed seven (7) floors or one hundred (100) feet in height.

(5) Maximum Building Coverage

(a) Forty (40%) percent of site area

(6) Minimum Open Space

(b) Twenty (20%) percent of site area. One half (1/2) of the area required to be devoted to Open Space may be comprised of water bodies.

(7) Minimum Building Separation

(a) No two buildings on the same parcel within a TS District shall be located closer to one another than a distance equal to the height of the lower building.

Sec. 12-32.207 Development Standards - Off street Parking and Loading, Site Landscaping, Signage and Lighting

(1) Off street Parking and Loading Requirements

(a) Within the Planned TS District, off-street parking and loading shall be provided in accordance with the general provisions set forth in Article VII of the Town of Davie Land Development Code where applicable and appropriate. However, given the unique and specialized nature of the TS District, the Petitioner may provide an alternate offstreet parking and loading plan that provides justification of the flexible standards for Town consideration.

(2) Site Landscaping Requirements

(a) Recognizing the unique nature and design of Truck Stop Facilities, the petitioner may submit a Master Landscape Plan in conjunction with the Conceptual Master Plan application for rezoning to the TS District. The Master Landscaping Plan submitted shall meet the purpose and intent of site landscaping pursuant to the Land Development Code and make provision for Landscaping and Buffering in an acceptable and alternative manner.

(3) Signage and Lighting Requirements

- (a) Recognizing the unique nature and design of Truck Stop facilities, a petitioner may submit an alternative signage and lighting plan for consideration by the Town in conjunction with the Conceptual Master Plan for rezoning to the TS District.

Sec. 12-32-208 Development Standards - Other Special Provisions

- (1) All activities within a Planned TS District shall be conducted within completely enclosed buildings unless otherwise excepted here-in.
- (2) Outdoor storage shall be prohibited in a Planned Truck Stop.
- (3) Any Planned Truck Stop District Development involving more than one (1) building or structure shall provide common access roads and pedestrian walkways.
- (4) A site plan submitted pursuant to Article XII of the Land Development Code shall be in substantial accordance with the officially approved Conceptual Master Plan of the Development as approved by Town Council.
- (5) All commercial vehicle truck traffic accessing a Planned Truck Stop District shall not utilize ~~local~~ predominately residential streets within the Town of Davie. Such traffic shall access the site via major thoroughfares in proximity thereto and local roadways so designated in the Town Comprehensive Plan.

SECTION 2. That a definition for Truck Stop be placed in Section 12-503, entitled “Definitions” and placed between definitions for Truck Berth and Upland read as follows:

Truck Stop. A Truck Stop is an establishment where the principal use is primarily the refueling and servicing of Trucks, ~~and other~~ commercial vehicles **and automotive services.** Such establishments may have restaurants, other retail and sleeping accommodations for the general public and drivers of these over-the-road commercial vehicles and may provide facilities for the repair and maintenance of such equipment.

SECTION 3. That a definition for Outdoor Storage be placed in Section 12-503, entitled “Definitions” and placed between definitions for Open Yard Space and Outlot reads as follows:

Outdoor Storage. The storage of equipment, goods, merchandise, raw or processed material, or junk outside of any Building or Structure for a period of more than twenty-four hours. For the purpose of this definition, the overnight parking of vehicles shall not be deemed to be outdoor storage.

SECTION 4. That a definition for Warehouse be placed in Section 12-503, entitled "Definitions" and placed between definitions for Wall and Waterbodies reads as follows: Warehouse. A Building or part of a building utilized for the storage and distribution of goods, materials, merchandise, substances or articles.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are to be the extent of such conflict hereby repealed. This ordinance shall take effect immediately upon its passage and adoption.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 7. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 1999

PASSED ON SECOND READING THIS ____ DAY OF _____, 1999

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.